

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 489 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

OIL & NATURAL GAS CORPORATION LTD.

Versus

STATE OF GUJARAT

Appearance:

M/S TRIVEDI & GUPTA for Petitioner

MR KP RAVAL APP for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 16/10/97

ORAL JUDGEMENT

Having seen the original papers as called for from the trial court it is obvious that the oil contained in the truck is required to be returned to ONGC without any condition whatsoever. The fact that the truck No. GTJ 5204, an oil tanker, was loaded with oil in question is not in dispute. The case of the petitioner eventually will be that the oil contained in the said tanker belonged to ONGC and it was being removed unauthorisedly.

This fact, according to the prosecution, would allegedly constitute offence under IPC of theft, etc., as well as breach of Control Orders issued under Section 3 of the Essential Commodities Act punishable under Section 7 thereof.

In either event the oil must be returned to ONGC. Accordingly the trial court did but imposed conditions of bond of Rs.50,000/- and failure to lift, the oil to be sold in open market.

When the oil belongs to ONGC there is no question of it executing a bond and in fact there is no need to impose any condition whatsoever. Accordingly, the oil is ordered to be returned to ONGC without any condition. It is clarified that these are orders under section 451 of the Criminal procedure Code and, therefore, ONGC shall have to give an undertaking to the effect that it will abide by the final orders that will be passed at the end of the trial.

Rule is made absolute accordingly.